



Howard County Agricultural Land Preservation Program

ELIGIBILITY CRITERIA AND PRICING FORMULA

ELIGIBILITY CRITERIA

To be eligible to sell an agricultural preservation easement, a farm must meet the following criteria, as specified by Title 15, Subtitle 5, Section 15.506 of the County Code:

1. *Developable*: The parcel shall be capable of being further developed to a greater residential density than presently exists or for nonagricultural uses. To meet this criteria, the parcel shall:
 - i. Be in a zoning district which permits development to a higher residential density than presently exists; and
 - ii. Be capable of being subdivided or developed for nonagricultural uses by right.
2. *Size*: The parcel shall be at least 20 contiguous acres.
3. *Soils*: The parcel shall meet the following soils criteria:
 - i. More than 50% of the parcel shall be USDA capability Class I, II and III soils, and more than 66% of the parcel shall be Class I through IV soils; and
 - ii. The parcel shall have:
 - a) A complete Soil Conservation & Water Quality Plan approved by the local soil conservation district; and
 - b) Verification by the local soil conservation district that the plan reflects current conditions and activities on the land.

OBLIGATIONS AND RESTRICTIONS

Sections 15.511 and 15.512 of the County Code describe the restrictions and obligations that are associated with an easement. These restrictions and obligations will be itemized in the Deed of Easement. The landowner of an easement-encumbered farm must maintain and implement a current Soil Conservation & Water Quality Plan. In addition, an owner may not reduce the agricultural value of the farm and must maintain it in order to control erosion and noxious weeds.

Land subject to an agricultural land preservation easement may not be developed, subdivided, or used for purposes other than agriculture except under very limited circumstances. Uses of the land subject to an agricultural preservation easement must be consistent with the Howard County Zoning Regulations. The restrictions imposed by an agricultural easement run with the land in perpetuity and bind all future owners.

RIGHTS AND BENEFITS

Section 15.514 of the County Code lists the rights that the landowner retains when an easement is sold to the County. These rights are reiterated in the Deed of Easement. In addition to the financial benefits, the landowner retains fee simple ownership of the land. The presence of an agricultural easement does not grant the public any rights of access or right to use the land.

Unrestricted Lot Rights

Per Section 15.514 a property owner is allowed a limited number of 1-acre lots if the easement is a parcel of 50 acres or more. A landowner may subdivide one 1-acre residential lot for every 50 acres of easement-encumbered

land. The County releases the easement on each lot once the location has been approved by the Agricultural Land Preservation Board and the price per acre is repaid to the County.

Parcel Subdivision Rights

A landowner in the program may also subdivide a large parcel (at least 100 acres) into parcels of at least 50 acres.

Landowner's Dwelling

Easement properties are allowed to retain an existing principal dwelling that may not be subdivided from the land, except as one of the allowed unrestricted lot rights. If no principal dwelling exists at the time of easement sale, the landowner has the right to build a dwelling if the parcel is 50 acres or larger.

Tenant Houses

If permitted by the deed of easement, and unless the property owner relinquishes some or all rights as part of the price formulation, tenant housing may be constructed at a density of 1 tenant dwelling per 25 acres, if approved by the Agricultural Preservation Board. This density includes tenant housing that existed when the County acquired the easement. Tenant housing must be consistent with the Howard County Zoning Regulations.

DETERMINING THE PURCHASE PRICE

The easement pricing formula is used to determine the price per acre the County will pay for the purchase of development rights on an eligible farm. The purchase price of the easement is determined by means of a formula adopted by Resolution of the County Council. The current easement price formula was adopted on July 6, 2020 as County Council Resolution 36-2020. There is no guarantee the maximum amount will be reached, as the easement price is determined through the evaluation of property characteristics.

Price Formula

The formula consists of two components: (A) Points and (B) Price per Acre. Points are numerical values assigned to specific characteristics of a farm which make it more or less desirable to preserve as agricultural land. The maximum number of points that can be awarded is 1,000. The price per acre is the maximum amount the County will pay to purchase development rights, which is capped at \$40,000 per acre of agricultural land.

A. POINTS - Maximum 1,000

- 1. *Parcel Size Relative to Average Acreage of Remaining Uncommitted Land (40 acres) - Maximum 150 points***

The average size of uncommitted land in the Rural West is now approximately 40 acres. Generally, more options exist on larger properties for a variety of agricultural operations. The ability to grow and diversity helps to sustain the farming economy, so a higher point value is given to larger parcels.

- 2. *Soil Capability - Maximum 150 points***

Land with higher quality soils has more agricultural value than land with poorer quality soils and therefore is assigned a higher point value.

3. *Soil Productivity – Maximum 150 points*

Soil productivity measures what the soil is capable of producing under good management. Productivity is scored in addition to capability because soils within the same capability class can have widely different productivity levels.

4. *Adjacency to Preserved Land – Maximum 125 points*

The General Plan recognizes the need to consolidate blocks of the most productive remaining farmland. Both this criteria and the next, concentration of preserved lands, score properties based on their contribution to large contiguous tracks of preserved agricultural land. Immediate adjacency is important because a property that is surrounded by other preserved land is less likely to suffer the negative impacts of residential development on agricultural activities.

5. *Concentration of Preserved Lands – Maximum 125 points*

As in the item above, this criterion signifies the importance that is placed on large blocks of preserved land. Points are awarded based on how much land within 3/4 mile of the subject property is already preserved, which is a good measure of the agricultural integrity of the surrounding area.

6. *Current Land Use – Maximum 150 points*

Current land use evaluates the percentage of the subject property that is actively being used for crops and/or pasture.

7. *Longstanding landowner relationship with SCD, and SCWQP on the property is predominantly implemented – Maximum 100 points*

Property owners must have a Soil Conservation and Water Quality Plan prepared by the Howard Soil Conservation District in order for the County to acquire an easement on the property. The purpose of the Plan is to outline conservation practices that reduce erosion and protect the soil. It is a very important land management tool. This criterion evaluates the status of the Plan, and scores based on the level to which the property owner has implemented it without major resource concerns. This item also rewards points based on the length of the relationship the property owner has with the District.

8. *Ownership and Operation – Maximum 50 points*

Points are awarded based on the level of involvement that the property owner has in the operation of the farm.

Additional Points

1. *Relinquishment of Tenant House Rights – Maximum 50 points*

The agricultural preservation law allows the owner of a property encumbered by an ALPP easement to request tenant housing at a density of 1 dwelling unit per 25 acres. As an incentive to minimize tenant house requests, 10 points are assigned for every tenant house right relinquished by the owner.

2. *Optional APB Points – Maximum 50 points*

The Agricultural Preservation Board may assign points for special characteristics which make the property particularly desirable for preservation, such as, but not limited to contribution to the agricultural economy, contribution to agricultural sustainability, the presence of Green Infrastructure Network (GIN) hubs and corridors, contributions to water quality by forested riparian buffers, and the presence of historic and/or scenic resources.

B. PRICE PER ACRE

The price per acre the County will pay to purchase the development rights on a property is determined by adding all the points above and then multiplying the number of points by the price factor. The price factor is based on current market values of land for agricultural and development purposes. The price factor is \$40 per point. This price factor, when multiplied by the maximum number of points (1,000), sets a maximum price per acre of \$40,000.

Price Worksheet and Site Assessment Worksheet

The current Easement Price Formula Worksheet is attached. This worksheet is used by staff to determine the base price of an agricultural preservation easement, exclusive of interest.

FOR MORE INFORMATION

Please contact the Agricultural Program Administrator if you have any questions.

Joy Levy, Agricultural Land Preservation Program Administrator
Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043
410-313-5407 (phone)
410-313-3042 (fax)
jlevy@howardcountymd.gov